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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,386	06/06/2005	David Michael King	4506-1031	5082
466	7590	11/15/2007	EXAMINER	
YOUNG & THOMPSON			ALAM, MUSHFIKH I	
745 SOUTH 23RD STREET				
2ND FLOOR			ART UNIT	
ARLINGTON, VA 22202			PAPER NUMBER	
			2623	
			MAIL DATE	
			DELIVERY MODE	
			11/15/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,386

Applicant(s)

KING, DAVID MICHAEL

Examiner

Mushfikh Alam

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities: limitation (d) is recited twice, it is understood that the subsequent (d) should be (e). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Matay (2001/0049823).

Claim 1, Matay teaches an adaptable world interface including a graphical user interface (EPG), support hardware (set top box), and software for maintaining personal access to services (programs), information and entertainment from audio-visual channels (channels), communications channels, and the like over a long period, even if the individual becomes disabled (color blindness, poor eyesight etc.) characterized in that the means includes an adaptable GUI menu capable of displaying: (paragraphs [0002]-[0003])

(a) a variety of presented levels of complexity (formats), any one level (format) of which may be selected from time to time according to the individual's level (viewing preference or need) (paragraph [0019] and

(b) a consistent spatial layout (pre-determined format) regardless of the currently presented level of complexity, a selected GUI host device (set top box) capable of presenting the menu to the user, at least one adaptable means for accepting at least one actuating command from the user (through remote control), at least one operable device capable of being controlled by the GUI host device in response to an actuating command (option/control key), and an output device capable of displaying the audio-visual channels, communications channels, and the like so that an individual of any level of capability is able to comprehend a compatible GUI menu and operate the system control interface (displaying desired EPG on screen), the adaptability giving the individual an opportunity of becoming accustomed to the invention over a period prior to a possible onset of disability (particular color scheme) (paragraphs [0019], [0022]-[0024]).

Claim 2, Matay teaches an adaptable world interface as claimed in claim 1, characterized in that

the at least one operable device comprises a set-top box (receiver) (paragraph [0002]);

the STB being capable of selecting at least one channel of information and entertainment for personal access by the individual (paragraph [0002]).

Claim 3, Matay teaches an adaptable world interface as claimed in claim 1, characterized in that the operable device is provided with means for communicating with at least one appliance (2) connected to the operable device (set top box) (fig. 1a).

Claim 4, Matay teaches an adaptable world interface as claimed in claim 1, characterized in that the individual's responses are received by ability-scalable means capable of being altered according to the level of capability of the individual (choosing a format, or even a favorite format), so that an individual of any level of ability is able to control the system (paragraphs [0010], [0025]).

Claim 5, Matay teaches a GUI menu for an adaptable world interface as claimed in claim 1, characterized in that the menu is presented to the individual in visual form (EPG on display screen) by an output hardware device (receiver), the menu is designed so that a view of a portion of the menu includes information locating that view within the whole (fig. 1a), the menu is laid out in a spatially consistent manner in which a plurality of items are displayed in consistent positions, regardless of level of complexity, and the menu is viewed through a virtual window (sections), the size of which may be altered according to the level of capability of the individual, so that an individual of lower level is not confused yet an individual of higher level is not frustrated (users may choose which format suits them) (paragraph [0002], [0012], [0022]).

Claim 6, Matay teaches a GUI menu for an adaptable world interface as claimed in 5 characterized in that the menu has an appearance comprising a number of curved limbs, each festooned with at least zero icons, each representing an item (user accessing a drop down menu) (paragraph [0010]).

Claim 9, Matay teaches an adaptable world interface according to claim 1 for supplying one or more persons with audiovisual material (movie), characterized in that at least some of the material (movies) is collated by electronic program, gathering means (receiver) so that the individual can enjoy the material (movies) without having to pursue the material on a program-by-program basis (choosing which movie the users wishes to view) (paragraph [0029]).

Claim 11 is analyzed as a method of claim 1 and additionally reciting the method, taught by Matey, of

(e) verifying from time to time (every time a user turns on the device) that the person's current level of disability and current level of competence is still matched by the configuration of the GUI and GUI host (whether or not he changes is favorite format), so that the person can operate the adaptable world interface with some confidence (paragraph [0010]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matay (2001/0049823) in view of Reichardt (2005/0172319).

Claim 7, Matay is silent regarding a GUI menu for an adaptable world interface as claimed in 5 characterized in that the menu is presented to the individual in audible form, and the one or more actuating commands are created by the individual in audible form.

Reichardt teaches a GUI menu for an adaptable world interface characterized in that the menu is presented to the individual in audible form, and the one or more actuating commands are created by the individual in audible form (paragraphs [0006], [0010]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided voice commands and responses as taught by Reichardt to the system of Matay to increase the ease with which users can navigate through application features (paragraph [0003]).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matay (2001/0049823) in view of Guo et al. (6151521).

Claim 8, Matay teaches a GUI (EPG) (fig. 1a).

Matay is silent regarding an adaptable world interface according to claim 1 for linking one or more persons with a health services provider, characterized in that the means includes hardware for personal health status data collection, in order to facilitate health consultations remotely, so that community health services may be made more proactive.

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Guo teaches an adaptable world interface for linking one or more persons with a health services provider, characterized in that the means includes hardware for personal health status data collection, in order to facilitate health consultations remotely, so that community health services may be made more proactive (col. 7, lines 15-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided bi directional communication of information as taught by Guo to the EPG system of Matay to allow a doctor to make consultations to a patient located a distance away (col. 1, lines 24-27).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matay (2001/0049823) in view of Seidman et al. (6298482).

Claim 10, Matay is silent regarding a means for linking one or more persons with an audiovisual channel provider, characterized in that at least one channel of audiovisual material is brought to the operable device as claimed in claim 1, and the at least one channel carries material relevant to the persons in the dwelling, so that the persons are supplied with relevant audiovisual material.

Seidman teaches a means for linking one or more persons with an audiovisual channel provider, characterized in that at least one channel of audiovisual material is brought to the operable device, and the at least one channel carries material relevant (based of user preferences) to the persons in the dwelling, so that the persons are supplied with relevant audiovisual material (col. 6, lines 2-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided program targeting as taught by Seidman to the system of Matay to enable customization of content without user participation (col. 2, lines 10-14).

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mushfikh Alam whose telephone number is (571) 270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MA

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A handwritten signature in black ink, consisting of a series of loops and strokes, positioned above the printed name.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600